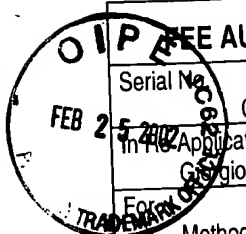


EXT(2)/#4
3/7/02

PATENT APPLICATION



FREE AUTHORIZATION / AMENDMENT TRANSMITTAL LETTER

Attorney's Docket No: A-695

Group Art Unit 1644

Serial No. 09/931,704

Filing Date August 16, 2001

Examiner M. Jamroz

In the Application of Giorgio Senaldi

For **Methods and Compositions for Treating IgE-Related Disease Using NNT-1 Inhibitors**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

- ☒ Applicant(s) request(s) the following extension of time under 37 CFR 1.136(a):
- ☐ One month of original due date (\$110.00)
 - ☒ Two months of original due date (\$400.00)
 - ☐ Three months of original due date (\$920.00)
 - ☐ Four months of original due date (\$1,440.00)
 - ☐ Five months of original due date (\$1,960.00)
- ☒ A response in connection with the matter for which this extension is requested:
- ☒ is filed herewith.
 - ☐ has been filed.
 - ☐ The response is the filing of a continuing prosecution application, the prior application having an express abandonment conditioned on the granting of a filing date to the continuing application.
 - ☐ The accompanying papers include amended claims for which no additional fee is required.
 - ☐ The accompanying papers include amended claims the fee for which has been calculated as follows:

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CLAIMS AS AMENDED

(1)	(2) Claims remaining After amendment	(3)	(4) Highest number Previously paid for	(5) No. of Extra claims present	(6) Rate	(7) Additional Fee
Total Claims	*	Minus	** =	0	x \$18	= \$ 0.00
Indep. Claims	*	Minus	*** =	0	x \$84	= 0.00
					+ \$280	= 0.00
<input type="checkbox"/> First Appearance of a multiple dependent claim						\$0.00
Total Additional Fee for this Amendment						\$0.00

- * If the entry in column 2 is less than the entry in column 4, write "0" in column 5.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col 1. of a prior amendment or the number of claims originally filed.

- ☐ The following other fees are incurred by the accompanying papers.
- ☐ Other: _____

Please charge Deposit Account No. 01-0519 in the name of Amgen Inc. in the amount of \$ 400.00. A duplicate copy of this petition is attached.

- ☒ If an additional extension of time is required, please consider this a request therefore.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by the accompanying papers, or credit any overpayment to Deposit Account No. 01-0519.

3/12/2002 6DUCKETT 00000001 09931704

FC:116

Please Send Future Correspondence To:
US Patent Operations/KLN
Dept. 4300, M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799

Karen L. Nicastro
Attorney/Agent for Applicant(s)
Registration No.:35,968
Phone: (805) 447-7211
Date: February 25, 2002

EXPRESS MAIL CERTIFICATE

Express Mail mail labeling number: EL360688996US

Date of Deposit: February 25, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Sherry L. St. Andrew
Printed Name

Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Senaldi, Giorgio

Serial No.: 09/931,704

Group Art Unit No.: 1644

Filed: August 16, 2001

Examiner: M. Jamroz

For: METHODS AND COMPOSITIONS FOR TREATING Ig-
E-RELATED DISEASE USING NNT-1 INHIBITORS

Docket No.: A-695

RESPONSE TO RESTRICTION REQUIREMENT
UNDER 35 U.S.C. §121

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed November 26, 2001, the Examiner is requiring Applicant to elect between the following groups of claims for further prosecution:

Group I - Claims 1-30 and 32-35, drawn to a method of treating IgE-related disease comprising administering an NNT-1 inhibitor; classified in Class 424, subclasses 1.49, 130.1, 133.1, 135.1, 136.1, 139.1 and 142.1.

Group II – Claim 31, drawn to a method of diagnosing an IgE-related diseases comprising detecting a polypeptide; classified in Class 435, subclass 7.92.

Group III - Claims 36-37, drawn to a pharmaceutical composition comprising an NNT-1 inhibitor; classified in Class 424, subclass 130.1.

Extension. The Examiner set a shortened statutory period for reply to expire December 26, 2001. A Request for Extension of Time for two months is attached hereto.

Election. In accordance with 35 U.S.C. §121, Applicant hereby elect to prosecute the subject matter of Group I, claims 1-30, 32-35, drawn to a method of treating IgE-related disease comprising administering an NNT-1 inhibitor, with traverse.

EXPRESS MAIL CERTIFICATE

~~05/16/00E CDBOKETT 0000000000000000~~

Date of Deposit: February 25, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Sherry L. St. Andrew

St. St. Andrew
Signature

Traverse. The Applicants hereby traverse the restriction requirement as follows.

The first election under paragraph 4 of the Office Action states that the methods of Group I and II are distinct because they represent "different endeavors as one does not suggest the other." Briefly, Group I includes claims directed to methods of treating IgE-related disease using NNT-1 inhibitor (claims 1-17), methods of modulating IgE levels in a patient using NNT-1 inhibitors (claims 18-22), methods of treating allergic disease using NNT-1 inhibitors (claims 23-29), a method of using an NNT-1 inhibitor to modulate IgE levels, and methods of preventing an IgE-related disease using NNT-1 inhibitors (Claims 32-35). In particular, claim 2 is directed to a method of treating an IgE-related disease wherein the NNT-1 inhibitor is selected from a certain defined class of agents.

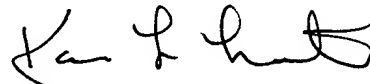
Group II includes a claim directed to a method of diagnosing an IgE-related disease by determining the presence or amount of the very same defined class of agents as in claim 2. As a result, the searches for Group I and Group II would substantially overlap and impose no burden. The Applicant thus traverses any attempt to withdraw from consideration the claim of Group II.

The Applicant does not traverse the second election under paragraph 5 of the Restriction Requirement. Indeed, Applicant notes that the Examiner concedes the claims of Groups I and II can both be described as a "process of using" a particular composition, further supporting Applicant's position that searches for Group I and II are not divergent, but would substantially overlap.

Thus, Applicant elects with traverse Claims 1-30 and 32-35 corresponding to the subject matter of Group I. It is acknowledged that the remaining claims will be withdrawn from further consideration by the Examiner without prejudice. The Applicant reserves the right to file continuation and/or divisional applications thereon.

Conclusion. It is believed that elected Claims 1-30 and 32-35 are in condition for allowance and an early notice thereof is solicited.

Respectfully submitted,



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Date: February 25, 2002

Please send all future correspondence to:

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